

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2006 SEP 18 PM 3:46

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ph
DEPUTY CLERK

THOMAS RETZLAFF,
Plaintiff,

Vs.

BRENT WILSON,
CHOICEPOINT SERVICES, INC.,
ROBERT FAITH, STACEY HUNT,
JOHN and/or JANE DOE,
and GREYSTAR REAL ESTATE
PARTNERS, LLC,
Defendants.

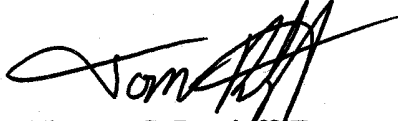
CIVIL ACTION NO. 5-06-cv-00738-XR

**PLAINTIFF'S MOTION &
NOTICE OF MOTION TO REMAND**

1. Plaintiff's moves for an order remanding the case back to the state court in which it was filed.
2. The grounds for this motion are: the lawsuit does not substantially involve a federal question; the defendant signed an agreement specifying the state court as the forum to settle disputes; defendant filed notice of removal more than 30 days after it received notice of the lawsuit; defendant asked the state court for affirmative relief; and defendant did not obtain timely written consent from all defendant before removing the case.
3. This motion is based on the pleadings and papers on file in this case and the attached memorandum of points and authorities, along with attached exhibits.

4. Please take note that plaintiff will bring this motion for hearing before this court on _____, at _____, in San Antonio, Texas.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that I conferred with Don Clayton, attorney for defendants Wilson & ChoicePoint, and he opposes this motion to remand.



Thomas Retzlaff

CERTIFICATE OF SERVICE

I certify that a copy of plaintiff's motion and notice of motion for remand was served on defendant Wilson & ChoicePoint), through their counsel of record, C. Don Clayton, Locke, Liddell & Sapp, LLP, 2200 Ross Ave., Ste. 2200, Dallas, TX 75201-6776, by telephonic document transfer to fax number (214) 756-8584, and on defendant Greystar Real Estate Partners, though its counsel of record, R. David Fritsche, Fritsche Law Office, 921 Proton Rd., San Antonio, TX 78258-4203, by telephonic document transfer to fax number (210) 227-5550, all on 9/18/06, before 5:00 p.m. local time of the recipient.


Thomas Retzlaff